

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No.
2001-0092-01

In re Application of: **Christian J. Wittak et al.**
Application No. **10/036,676**
Filed: **December 21, 2001**
For: **FOUR KHz GAS DISCHARGE LASER SYSTEM**

The owner, Cymer, Inc. of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/056,619, filed on January 23, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$110.00 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 03-4060. A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

☒ unchanged ☐ changed (if changed, an explanation should be supplied.)

Dated: February 24, 2004

Signature

Name and Address of Person Signing

William C. Cray, Reg. No. 27,627
Cymer, Inc.
Legal Department - M/S 4-2C
17075 Thornmint Court
San Diego, California 92127-2413
Telephone: (858) 385-7185
Facsimile: (858) 385-6025

I certify that this document and fee is being deposited on 2/24/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Sarah J. Briggs

Typed or Printed Name of Person Mailing Correspondence

P28/REV01

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Dated: February 24, 2004

Signature

Name and Address of Person Signing

William C. Cray, Reg. No. 27,627
Cymer, Inc.
Legal Department - M/S 4-2C
17075 Thornmint Court
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Signature of Person Mailing Correspondence
Sarah J. Briggs

Sarah J. Briggs

Typed or Printed Name of Person Mailing Correspondence

P26/REV01

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**
**Docket No.
2001-0092-01**
In Re Application Of: Christian J. Wittak et al.
**Serial No.
10/036,676**
**Filing Date
December 21, 2001**
**Examiner
L. Al Nazer**
**Group Art Unit
2828**
Invention:
FOUR KHz GAS DISCHARGE LASER SYSTEM
Owner of Record:
Cymer, Inc.
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,690,704. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney of record.


 Signature

Dated: February 24, 2004
William C. Cray
Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

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Serial No.
10/036,676

Filing Date
December 21, 2001

Examiner
L. Al Nazer

Group Art Unit
2828

Invention:
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Owner of Record:

Cymer, Inc.

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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William C. Cray

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